

MONDAY, AUGUST 3, 1998

Civil MARK STUCK ET AL. (Not for Publication)
No. v.
C026255 JACK RICE

The judgment is corrected to reflect a damage sum against Rice of \$242,821.54 (plus costs of suit). As corrected, the judgment is affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.
 HULL, J.

Civil FRANCISCO SILVA, JR. (Not for Publication)
No. v.
C027524 WORKERS' COMPENSATION APPEALS BOARD AND CITY OF
 SACRAMENTO

The order of the Board denying Silva's claim of entitlement to penalties is affirmed. The request of respondent City of Sacramento for attorney fees pursuant to section 5801 is denied.

NICHOLSON, J.

We concur: SIMS, Acting P.J.
 MORRISON, J.

Civil NORTHWESTERN RESOURCES, INC. (Not for Publication)
No. v.
C027006 THE HANOVER INSURANCE COMPANY

The judgment is affirmed.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
 NICHOLSON, J.

TUESDAY, AUGUST 4, 1998

NO MINUTES ON THIS DAY

WEDNESDAY, AUGUST 5, 1998

Civil DEAN LAGOE (Not for Publication)

No. v.

C025876 MCLAUGHLIN FORD SALES ET AL.

THE COURT:

It is ordered that the opinion filed herein on July 9, 1998, be modified in the following particulars: ...

There is no change in the judgment.

FOR THE COURT:

HULL, J.

PUGLIA, P.J.

Civil NEALA GOCHER (Not for Publication)

No. v.

C027970 STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.

CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C027896 ROSARIO MADRIGAL ESPINDOLA

The judgment is affirmed.

SIMS, Acting P.J.

We concur: NICHOLSON, J.

MORRISON, J.

Civil In re JOSEPH P., A Person Coming Under the Juvenile Court Law.

No. v. (Not for Publication)

C027672 JOSEPH P.

The judgment is affirmed.

NICHOLSON, J.

We concur: SCOTLAND, Acting P.J.

MORRISON, J.

WEDNESDAY, AUGUST 5, 1998 CONTINUED

Civil BOYD M. HALVORSEN, SR. (Certified for Publication)
No. v.
C027036 ARAMARK UNIFORM SERVICES, INC. ET AL.
The judgment is affirmed. (CERTIFIED FOR PUBLICATION)
NICHOLSON, J.
We concur: SIMS, Acting P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C024780 JEROME MARKAY

The conviction is affirmed. The sentence is vacated and the matter remanded to the trial court for resentencing in conformity with this opinion.

NICHOLSON, J.

We concur: RAYE, J.
MORRISON, J.

Juvenile No. C029269

RICK S. v. THE SUPERIOR COURT OF SACRTAMENTO COUNTY
SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES ET AL.

The petition and request for a stay are denied.

SIMS, Acting P.J.

I concur: MORRISON, J.

THURSDAY, AUGUST 6, 1998

Crim. THE PEOPLE
No. v.
C030204 FRANK ALBERT SPEAKS
BY THE COURT:
The court having examined the notice of appeal and having
determined that the order appealed from is a nonappealable order, the
appeal filed July 20, 1998, is dismissed.
SCOTLAND, Acting P.J.

THURSDAY, AUGUST 6, 1998 CONTINUED

Crim. THE PEOPLE
No. v.
C029102 MICHAEL STEPHEN PETERSON
BY THE COURT:

The court having examined the record on appeal and having determined that the order appealed from is nonappealable, the appeal filed March 31, 1998, is dismissed. (People v. Gonzalez (1970) 7 Cal. App. 3d 163, 166.)

Dated: August 6, 1998

SCOTLAND, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027370 DAVID PAZ RAMIREZ

The judgment is affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027027 DANIEL NOURANI

The judgment is affirmed.

NICHOLSON, J.

I concur: CALLAHAN, J.

I would reverse the conviction for the solicitation of an assault with force likely to cause great bodily harm.

BLEASE, Acting P.J.

FRIDAY, AUGUST 7, 1998

Civil; FIRST INTERSTATE BANK OF CALIFORNIA ETC.
 No. v.
 C028621 WINNCREST HOMES INC., ET AL.
 C.W. SWEENEY COMPANY
 BY THE COURT:

The court granted rehearing after dismissing this appeal in order to retain its jurisdiction and reconsider whether the superior court's discovery order is appealable. Upon further review, we have concluded that our original decision was correct, and that the appeal should be dismissed. The "collateral order" exception to the requirement that an appeal be taken only from a final judgment is not applicable to the discovery order at issue, for the reason that said order is directly concerned with the production of evidence in the continuing trial court litigation. (Cf. Brun v. Bailey (1994) 27 Cal. App. 4th 641 at p. 651) Accordingly, the appeal is dismissed on the court's own motion as being from a non-appealable order.

Dated: August 7, 1998

SIMS, Acting P.J.

MONDAY, AUGUST 10, 1998

Civil JERRY FORKNER
 No. v.
 C029950 DONALD RAY BLACKBURN SR. ET AL.
 BY THE COURT:

The Shasta County Clerk having advised this court on July 29, 1998, that appellant had not designated the record on appeal by July 27, 1998, as required by the default notice dated July 16, 1998, the appeal was consequently dismissed on July 29, 1998.

The Shasta County Clerk having now advised this court that the July 29, 1998, date was a miscalculation, should have been July 31, 1998, and provided this court with an endorsed copy of appellant's designation filed in superior court on July 30, 1998, the order of July 29, 1998, dismissing the appeal is vacated, and the appeal is reinstated. The Shasta County Clerk is directed to proceed with preparation of the record on appeal.

Dated: August 10, 1998

PUGLIA, P.J.

TUESDAY, AUGUST 11, 1998

Civil MARVIN EDWARD HEINSOHN
No. v. (Not for Publication)
C022549 STATE TEACHERS' RETIREMENT SYSTEM ET AL.

The judgment is affirmed insofar as it grants a judgment on the pleadings to all causes of action with the exception of the cause of action for constructive fraud. The judgment is reversed insofar as it grants judgment on the pleadings of the constructive fraud claim. Appellant shall recover his costs appeal.

RAYE, J.

We concur: PUGLIA, P.J.
 SIMS, J.

Civil OAKDALE VILLAGE GROUP
No. v. (Not for Publication)
C025081 DANIEL FONG

The judgment is affirmed. Oakdale shall recover costs on appeal.

RAYE, J.

We concur: SIMS, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C025648 CHARVANCE LAMONT CARSON

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C026593 JERRY BRENTON NUTT

The judgment is affirmed.

CALLAHAN, J.

I concur: SIMS, J.
Concurring and dissenting:

I subscribe to the court's opinion with the exception that I would affirm the convictions, vacate the sentence and remand for the trial court to reconsider whether to strike one or more of defendant's prior convictions.

...

PUGLIA, P.J.

TUESDAY, AUGUST 11, 1998 CONTINUED

Civil TIM ZLENDICK (Not for Publication)
No. v.

C025877 FORD MOTER COMPANY
HARRELL MOTORS MOTORS

The judgment is affirmed.

HULL, J.

We concur: SIMS, Acting P.J.
 DAVIS, J.

WEDNESDAY, AUGUST 12, 1998

Juvenile In re SARA S. ET AL., Persons Coming Under the Juvenile Court Law.
No. SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY

C029037 v. (Not for Publication)
SHERRY S.

The orders of the juvenile court are affirmed.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
RYAE, J.

Crim. THE PEOPLE (Not for Publication)
No. v.

C028836 JOHN CHRISTENSEN WALKER

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.

C027845 DAVID WAYNE WISE

The judgment is affirmed.

SIMS, Acting P.J.

We concur; NICHOLSON, J.
 MORRISON, J.

WEDNESDAY, AUGUST 12, 1998 CONTINUED

Crim. THE PEOPLE (CERTIFIED FOR PARTIAL PUBLICATION)
 No. v.
 C024609 ANJI LYNN BAKER

The judgment is affirmed.

(CERTIFIED FOR PARTIAL PUBLICATION)

SIMS, Acting P.J.

We concur: SCOTLAND, J.
 HULL, J.

Civil SACRMENTO COCA-COLA BOTTLING CO., INC.
 No. v. (Not for Publication)
 C027228 DONNA CRITTENDEN

The defendant's request for judicial notice is denied. The judgment of dismissal is amended to reflect that judgment is entered against the plaintiff because it is not entitled to a declaration. As amended, the judgment is affirmed. The defendant shall recover costs of appeal.

DAVIS, J.

We concur: PUGLIA, P.J.
 CALLAHAN, J.

THURSDAY, AUGUST 13, 1998

Civil In re JOSHUA S. ET AL., Persons Coming Under Juvenile Court Law.
 No. DEPARTMENT OF HUMAN AND SOCIAL SERVICES
 C028390 v. (Not for Publication)
 TONY S. ET AL

The judgment is affirmed.

MORRISON, J.

We concur: SCOTLAND, Acting P.J.
 NICHOLSON, J.

Civil ANDREA CONNER (Not for Publication)
 No. v.
 C026073 ROBERT GAREWAL ET AL.

The judgment and order are affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
 MORRISON, J.

THURSDAY, AUGUST 13, 1998 CONTINUED

Civil SEAN JOHNSON ET AL. (Not for Publication)

No. v.

C024730 TICON CONSTRUCTION, INC.

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.

RAYE, J.

Juvenile JUDY H. (Not for Publication)

No. v.

C029913 THE SUPERIOR COURT OF SACRAMENTO COUNTY
SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES ET AL.

The petition and request for a stay are denied.

SIMS, Acting P.J.

We concur: DAVIS, J.

MORRISON, J.

Juvenile VIRGINIA S. (Not for Publication)

No. v.

C029700 THE SUPERIOR COURT OF SAN JOAQUIN COUNTY
SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY ET AL.

The petition is denied.

SIMS, Acting P.J.

We concur: DAVIS, J.

MORRISON, J

FRIDAY, AUGUST, 14, 1998

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C025582 ARTHUR CHARLES LIGGINS

THE COURT:

The opinion, filed July 21, 1998, shall be modified as follows: ...

This modification does not affect the judgment.

The petition for rehearing is denied.

THE COURT:

PUGLIA, P.J.

NICHOLSON, J.

CALLAHAN, J.

Civil JAMES KENNETH PERKINS
 No. v.
 C025882 STATE OF CALIFORNIA, DEPARTMENT OF MOTOR VEHICLES
 Civil STEVEN MICHAEL WILSON

No. v.
 C025883 STATE OF CALIFORNIA, DEPARTMENT OF MOTOR VEHICLES

The judgment is reversed. The DMV shall recover its cost on appeal.

MORRISON, J.

We concur: SIMS, Acting P.J.
 CALLAHAN, J.